

Mr. Chairman, Members of the Committee; my name is Debbi Elliott. I am providing documentation and can answer questions afterward about my testimony.

I am a server at the Mustard Seed in Missoula. I've been there for a year and a half. I had been a server at Guy's Steak House in Lolo for 6 years. These are upper end supper clubs and restaurants.

I came today because some people's perspective on this is skewed. Every other job has an evaluation and a wage increase. As a tipped employee, what makes me any less worthy of a wage increase? Servers are the face and the lifeline of a restaurant. If you have bad staff, customers don't return.

I like the regular customers. You build a relationship with them. You learn a lot about people from the travelers that pass through. The job is demanding. Everything we serve is on trays and each dish is porcelain. They're heavy and we're moving quickly. There is a skill to this work and it is exhausting. Your mind has to be one step ahead of what your working on and you're always multi-tasking.

My husband, after 5 years at his job, was injured and cannot work. He's been on Work Comp. After surgery we hope he'll return to work in August. During this time he is receiving 60% of his income. Out of that income we maintain his insurance, which eats up 25% of that reduced income. We have two small children. Our family's survival right now relies on me.

I am paid minimum wage so it is essential that I earn tips. I have tables that have \$4 down as a tip before they even get their bill; never mind that the bill is \$50. Even when you do receive a good tip, there are challenges to being able to keep it.

At the Mustard Seed a percentage of our sales is taken out each night and put in a tip share pool that's distributed to bartenders, hosts, cooks, runners, and dishwashers. I'm told that being required to tip out is illegal. I have no say in the tip share and the percentage is predetermined.

Also, I don't go home with all of my tips. They're held by my employer until the following day. I'm told this is illegal. When I was asked if I felt like I was getting all of my tips paid back to me in the correct amounts, I have to answer, I don't know, there is no way for me to know. For instance; Servers don't know how much the bartenders get and dishwashers don't know how much the servers receive. None of us are present when the calculations are taking place.

Last October I made a mistake. When given a credit card tip of just over \$14.00, I forgot to charge it. To most people this means I lost my tip-period. Truth is, it can still be corrected. My employer saw that I made the mistake. They charged my paycheck for the loss. Now, it was my tip that was lost, not their revenue. I don't know if they did correct the charge to the credit card. If they did, they benefited twice the amount between the charge to my paycheck and the credit card charge. I knew that this was wrong.

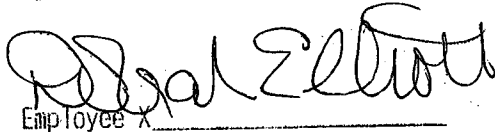
I have seen other servers whose tips were charged when the money left on the table wasn't enough to cover the full bill. I've seen this happen several times to several servers and in other restaurants too.

I also don't have a Cinderella story to tell. My husband and I rent a 2 bedroom apartment for the 4 of us. We drive a car that is over 10 yrs old. I don't have cable TV. We live paycheck to paycheck. If I got a flat tire on the way home, the repair would be charged to a credit card.

We're just trying to get by and do the best we can by our kids. The only way I'm ever going to get a raise as a server is if it's mandatory for the employer to give it to me.

I'm asking you to do what's right. Don't let this pass. Thank you.

01 VOIDS: 5.95(-)
TOTAL COMPS: 26.75(-)
TIPSHARE: 26.39(+)
TOTAL CASH OWED: -34.76(=)


Employee X

Cash Rcvd By X

*** Visa ***

50026	XXXXXXXXXXXX0491	64.90	13.00
40054	XXXXXXXXXXXX4159	30.00	2.00
100048	XXXXXXXXXXXX1119	25.85	5.00
60047	XXXXXXXXXXXX8077	53.90	6.00
100054	XXXXXXXXXXXX5739	38.50	0.00
100056	XXXXXXXXXXXX7374	22.65	4.35
60050	XXXXXXXXXXXX3745	61.35	0.00
60048	XXXXXXXXXXXX9207	36.85	8.00

334.00 38.35

*** CHECK ***

40050		77.00	0.00
40054		17.10	0.00
100038		30.00	0.00
30006		32.35	0.00
30006		37.50	0.00
100050		38.85	0.00

232.80 0.00

*** Mastercard ***

60046	XXXXXXXXXXXX0766	56.35	10.00
100036	XXXXXXXXXXXX0781	113.20	22.00
60049	XXXXXXXXXXXX7724	46.35	6.65

215.90 38.65

*** AMEX ***

30010	XXXXXXXXXXXX4005	65.20	9.00
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65.20 9.00

*** AUDIT ***

01 VOIDS: 5.95

47 GUESTS 19 CHECKS

*** SALES DETAIL ***

SALES TO GUESTS	\$44.22
STRAIGHT SALES	\$ 4.41

*** Checkout ***

Unit # 20

03/20/2007

Deborah Elliott (Deborah)

10:16 PM

SHIFT: 1

REV: REST

JOB CODE: WAIT

*** SALES ***

FOOD:	876.38(+)
DESSERTS:	38.50(+)
WINE GLASS:	92.12(+)
LIQUOR:	48.50(+)
BEER:	17.25(+)

SALES: 872.75

TOTAL: 872.75(=)

*** COMPS ***

01 GoodWill:	6.75(+)
01 Open Amt:	20.00(+)
TOTAL COMPS:	26.75

*** VOIDS ***

01 VOIDS: 5.95(+)

GROSS SALES: 905.45(=)

*** PAYMENTS ***

08 CASH:	24.85
08 Visa:	372.35(-)
06 CHECK:	232.80(-)
03 Mastercard:	254.55(-)
01 AMEX:	74.20(-)
TOTAL PAYMENTS	958.75

*** CC TIPS ***

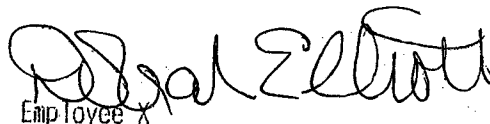
06 Visa:	38.35
03 Mastercard:	38.65
01 AMEX:	9.00
TOTAL TIPS:	86.00

01 VOIDS: 5.95(-)

TOTAL COMPS: 26.75(-)

TIPSHARE: 26.39(+)

TOTAL CASH OWED: -34.76(=)


Employee X

Cash Rcvd By X

NAME Del Elliott DATE 10-19-06

OVER \$

SHORT \$

14.20

Collect your overage from the Bookkeeping Dept.

SHORTAGES MUST BE PAID ON YOUR NEXT SHIFT

(tips)

Clear

The Mustard Seed Asian Cafe
at Southgate Mall
Southgate Mall
Missoula, MT 59801
406-542-7333

Server: Deborah DOB: 10/19/2006
08:38 PM 10/19/2006
Table 71/1 3/30022

Mastercard 314754
Card #XXXXXXXXXX1043 Exp: 0209
Magnetic card present: RIEKER LACEY
Approval: 315969

Amount: 37.80

+ Tip: _____

= Total: 37.80

[Signature]

YOUR SERVER WILL HANDLE
YOUR PAYMENT

Thank you for joining us!

The Mustard Seed Asian Cafe
at Southgate Mall
Southgate Mall
Missoula, MT 59801
406-542-7333

Server: Deborah DOB: 10/19/2006
08:38 PM 10/19/2006
Table 71/1 3/30022

Mastercard 3145755
Card #XXXXXXXXXX6292 Exp: 0208
Magnetic card present: RIEKER ERIN L
Approval: 734525

Amount: 37.80

+ Tip: 14.20

= Total: 52.00

[Signature]

YOUR SERVER WILL HANDLE
YOUR PAYMENT

Thank you for joining us!

*tip added on
wrong slip*

Cash Rcvd By X _____

*** Visa ***

30019 XXXXXXXXXXXX9054 33.80 6.20
30020 XXXXXXXXXXXX2804 35.30 3.70
100101 XXXXXXXXXXXX3978 30.00 0.00
100101 XXXXXXXXXXXX4599 34.00 0.00

133.10 9.90

*** CHECK ***

30018 39.05 0.00
30023 48.00 0.00
100101 18.00 0.00
100101 18.00 0.00

123.05 0.00

*** Mastercard ***

30021 XXXXXXXXXXXX1692 65.30 0.00
30022 XXXXXXXXXXXX1043 37.80 14.20
30022 XXXXXXXXXXXX6292 37.80 0.00
100113 XXXXXXXXXXXX1885 16.00 2.00

156.90 16.20

*** AUDIT ***

32 GUESTS 10 CHECKS

*** SALES DETAIL ***

SALES TO GUESTS \$20.42
STRAIGHT SALES \$ 2.66

EMPLOYEE NOTICE

THE FOLLOWING IS THE SCHEDULE FOR PICKING
UP TIPS AND PAYROLL CHECKS FROM THE
BOOKKEEPING OFFICE

TIPS FROM THE TIP SHARE POOL

(Hosting, HMR, Running, Dishing, Cooking, Bartending)

WEDNESDAY

9:00a.m. until 3:30pm.

PAYROLL CHECKS

Payroll Fridays from 2p.m.until 3p.m. **ONLY.**
Then any day and time the Bookkeepers are in the
Office.

OVERAGES (tips)
From your Server Checkouts

The following day after 11:00a.m.

**This will be strictly enforced as the bookkeepers have
deadlines to meet everyday and each interruption off
this schedule puts us behind.**

If you cannot accommodate this schedule into yours, you
may write a signed note and have someone you trust pick
them up for you during the scheduled times.